



SUGHRUE MION, PLLC

AMENDMENT UNDER 37 C.F.R § 1.111

U.S. Appln. No.: 09/874,220

Attorney Docket No.: Q64853

REMARKS

Claims 1-26 are all the claims pending in the application.

Specification

The disclosure stands objected to because of a typographical error. Applicants have amended the specification to overcome the objection. Applicants have also amended the application to correct several other typographical errors.

Claim Rejections 35 U.S.C. § 112

Claims 12, 14, 16, 18, 20 and 24 stand rejected under 35 U.S.C. § 112 as allegedly being indefinite. Applicants have amended the claims in a manner believed to overcome the rejection.

Claim Rejections 35 U.S.C. § 102

Claims 1-26 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,483,873 (Sugahara). Applicants respectfully traverse the rejections at least because Sugahara fails to teach or suggested every element as claimed.

Claim 1 sets forth adding attributive information to a signal and controlling recording on the basis of copy control information and the attributive information. In the method of claim 1, the attributive information is propagated by the apparatus and can then be used in another apparatus to control recording.

It appears as though the Examiner considers the apparatus protection information of Sugahara as meeting the attributive information of claim 1. (*See* Sugahara Fig. 1, element 12) However, the apparatus protection information of Sugahara does not meet the requirements of



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AMENDMENTS TO THE DRAWINGS

Please find the attached “Replacement Sheet” for an amended drawing (for Fig. 10).

Element number “23” in Fig. 10 has been changed to “42”, as indicated in the “Replacement Sheet”.

Attachment: Replacement Sheet

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claim 1. The apparatus protection information of Sugahara is used only for *internally* determining a level of protection. The apparatus protection information is compared with medium protection information (*See* Fig. 1, elements 11 and 13) to determine a protection control level for only the apparatus (2) itself. Any signal that is output from the apparatus does not include the apparatus protection signal.

Also, if the Examiner considers the control protection signal output from the signal generating section 14c to correspond to the attributive information, claim 1 still does not read on the reference. Claim 1 requires controlling recording based on attributive information and copy control information. However, the medium protection data shown in Fig. 1 of Sugahara can not correspond to the copy control information because it is stripped from the video data via the demultiplexer 10. (*See* Sugahara column 7, lines 4-11) Therefore, if there is any subsequent recording once the video signal is output from the control section 14, the recording can only be controlled with the protection control signal (i.e., the alleged attributive information) and not both the protection control signal and the medium protection data (i.e. the alleged copy control information).

Even if Sugahara did suggest any subsequent recording, the recording device would not receive the apparatus protection signal.

In contrast, as noted above, a method according to claim 1 involves transmitting the attributive information. In this manner another device can use the attributive information to control recording. The information signal transmitted in claim 1 includes both copy control

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information and attributive information. For example, with reference to the non-limiting embodiment shown in Fig. 6, the propagated attributive information can be detected by a recording apparatus along with a water mark representing the copy control information. Since Sugahara teaches only a single protection control signal added to a main video data, it cannot operate in the same manner. In light of the discussion above, Applicants submit that claim 1 is patentable.

Claims 2 and 3 depend from claim 1 and are allowable at least because of their dependency.

Claims 4, 5, 7, 9, 11, 15, 17, 19 and 23 contain at least some subject matter similar to claim 1. Therefore, reasons similar to at least some of the reasons stated above with respect to claim 1 are applicable these claims, and the claims are patentable based on at least some of the above arguments. Claims 6, 8, 10, 12-14, 16, 18, 20-22 and 24-26 depend from one of claims 4, 5, 7, 9, 11, 15, 17, 19 and 23, and are therefore allowable at least because of their dependency.



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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

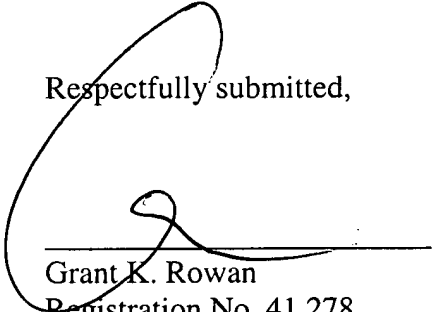
Respectfully submitted,

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